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[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93, 121, + 135

[Docket No. FAA-W-

; Amendment No. 93-80]

RIN 2120-AG74 .

Modification of t&e Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends special operating rules and airspace for those persons operating aircraft in the area designated as the Grand Canyon National Park Special Flight Rules Area (SFRA). Specifically, this action modifies the eastern portion of the SFRA and the Desert View Flight-free Zone (FFZ); establishes a corridor through the Bright Angel FFZ for future noise efficient/quiet technology aircraft; and modifies the Sanup FFZ to provide for a commercial route over the northwestern section of the Grand Canyon National Park (GCNP). In addition, this action makes editorial corrections to several previously issued special operating rules for this **affected area**. The FAA is taking this action to assist the National Park Service in fulfilling the statutory mandate of substantially restoring the natural quiet and experience in GCNP.

EFFECTIVE DATE: This final rule is effective on December 1, 2000.

FOR FURTHER INFORMATION CONTACT: Joseph C. White, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation

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Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

History

On December 31, 1996, the FAA published three concurrent actions (a final rule, a Notice of Proposed Rulemaking (NPRM), and a Notice of Availability of Proposed Commercial Air Tour Routes) in the Federal Register (62 FR 69301) as part of an overall strategy to further reduce the impact of aircraft noise on the GCNP environment and to work with the National Park Service (NPS) in achieving its statutory mandate imposed by Public Law (Pub. L.) 100-91 of substantially restoring the natural quiet and experience in GCNP. The final rule amended Title 14, Part 93, of the Code of Federal Regulations by adding a new Subpart U to codify the provisions of Special Federal Aviation Regulation No. 50-2 (SFAR 50-2). Additionally, this rule modified the dimensions of the GCNP SFRA, established new and modified existing FFZs; established new and modified existing flight corridors; and established reporting requirements for commercial air tour operators operating in the SFRA. In addition, the final rule prohibited commercial air tours in the Zuni Point and Dragon corridors during certain time periods, and placed a temporary limit on the number of aircraft that could be used for commercial air tour operations in the GCNP SFRA. These provisions originally were to become effective on May 1, 1997.

On February 26, 1997, the FAA published a final rule that delayed the implementation of certain sections of the December 31, 1996, final rule (62 FR 8862). Specifically, this action

delayed the effective date, until January 31, 1998, of those sections of the rule that address the **SFRA**, **FFZs**, and flight corridors, respectively §§ 93.301, 93.305, 93.307. In addition, certain portions of **SFAR** No. 50-2 were reinstated and the expiration date extended. Implementation was delayed to allow the FAA and the **NPS** to consider comments and suggestions to improve the route structure. On December 17, 1997, the FAA took action to delay further the implementation of the above mentioned sections of the rule and continued the extension of certain portions of **SFAR** No. 50-2 until January 31, 1999 (62 FR 66248). On February 3, 1999, the FAA again took action to further delay implementation of the above mentioned sections and continued the extension of certain portions of **SFAR** No. 50-2 until January 31, 2000 (64 FR 5152). It is noted that these actions did not affect or delay the implementation of the curfew, aircraft cap, or reporting requirements of the rule, which were effective May 1, 1997.

Recent Actions

On May 15, 1997, the FAA published a Notice of Availability of Proposed Routes and a companion **NPRM** (Notice No. 97-6) that proposed two quiet technology incentive corridors over the **GCNP**. The first corridor, through the Bright Angel **FFZ**, was planned for quiet technology aircraft use only. The second corridor, through National Canyon, would be for westbound quiet-technology aircraft after December 31, 2001. The FAA, in consultation with the **NPS** and Native Americans, determined not to proceed with a corridor through National Canyon. **Consequently**, on July 15, 1998, the FAA withdrew Notice 97-6 (63 FR 38232) in its entirety.

On July 9, 1999, the FAA published two **NPRMs** (Notice 99-11 and Notice 99-12) to assist the **NPS** in achieving the statutory mandate imposed by **Pub.L. 100-91** to provide for the

substantial restoration of natural quiet and experience in **GCNP** by reducing the effect of aircraft noise **from** commercial air tours on **GCNP**. Notice **99-11**, Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones (**64 FR 37296**, Docket No. 5926) proposed to modify the dimension of the **GCNP SFRA**. The proposed changes to the **SFRA** would modify the eastern portion of the **SFRA**, the Desert View **FFZ**, the Bright Angel **FFZ** and the **Sanup FFZ**. Notice **99-12**, Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area, (**64 FR 37304**, Docket No. 5927) proposed to limit the number of commercial air tours that may be conducted in the **SFRA** and to revise the reporting requirements for commercial **SFRA** operations. The specific proposals of Notice No. **99-12** are discussed in a final rule found elsewhere in this Federal Register.

On July 20, 1999 (**64 FR 38851**), the FAA published a notice announcing two public meetings on the **NPRMs**. The meetings, which were held on August 17 and 19, 1999, in **Flagstaff**, Arizona, and Las Vegas, Nevada, sought additional comment on the **NPRMs** and on the associated supplemental draft environmental assessment.

Proposed Actions of Notice 99-11

The airspace modification proposal, Notice No. **99-11**, the subject of this final rule, proposed to modify the **Grand** Canyon **SFRA** and Desert View **FFZ** by moving the respective boundaries five (**5**) **nautical** miles to the east. The rationale for the proposal was to allow entry and exit to routes as well as to curtail **travel** over several Traditional Cultural Properties (**TCP**) on the eastern side of the **GCNP**, which concerns the **Zuni**, Hopi, and Navajo Tribes. These sites **were** identified through consultation with **affected** tribes in accordance with the National Historic Preservation Act (**NHPA**). It is noted that specific locations of these Traditional Cultural

Properties are not identified pursuant to section 304 of the **NHPA**, which provides for confidentiality of cultural and religious sites. In the proposed rule, the FAA sought to reduce the impact of air tours over these **TCPs** by the proposed modification of the eastern portion of the **SFRA** and the Desert View **FFZ**.

In addition, Notice No. 99-11 proposed to establish a provisional incentive corridor through the Bright Angel **FFZ**, one nautical mile in width, to be used in the future only by aircraft meeting a noise **efficiency/quiet** technology standard, which has yet to be developed.

This proposed incentive corridor would pass through the Bright Angel **FFZ** along the northern boundary of the current Bright Angel **FFZ** as defined in **SFAR 50-2**. Once quiet technology/noise efficient aircraft are defined and the Bright Angel **FFZ** is implemented, the FAA would anticipate a three fold benefit. First, fewer aircraft would be flying over the northern rim of the canyon along the Saddle Mountain Wilderness Area, where the **NPS** and U.S. Forest Service have indicated that noise-sensitive activity regularly occurs. Second, noise from the air tour aircraft would be dispersed between the northern boundary of the Bright Angel **FFZ** and the proposed incentive corridor, thereby reducing the level of concentrated aircraft noise along any one route. Third, opening this corridor only to aircraft meeting the noise efficiency/quiet technology standard would provide a valuable and tangible incentive for the air tour operators to convert to quieter **aircraft**. The Bright Angel Corridor could thereby provide the benefit of a reduction in the level of **aircraft** noise over time.

Finally, the **FAA** proposed to modify the **Sanup FFZ** to provide for a route over the northwestern section of the **GCNP**, and to provide for two transportation routes to **Tusayan**. The elimination of current routes Blue 1 and Blue 1 A, to be replaced by Blue Direct North and Blue

Direct South, would cause traffic to transit over the **Sanup FFZ**. To accommodate these two routes, ~~the~~ FAA proposed to modify the northern portion of the **Sanup FFZ** so that the Blue Direct South does not fly over a **FFZ**. In addition, it was proposed to eliminate a small area in the northwestern portion of the **Sanup FFZ** to accommodate the Blue 2 air tour route. The FAA acknowledged that this modification would eliminate a small area of previously designated **FFZ**; however, the elimination of the Blue 1 and Blue **1A** routes, which transit more pristine areas of the **SFRA**, would have added benefits for the restoration of natural quiet and experience in **GCNP**.

Discussion of comments

In response to Notice **99-11**, the FAA received more than **1, 000** comments, and **556** comments on Notice **99-12**. Many **commenters** sent the identical comments to both dockets. Many of these comments included form letters **from** the air tour industry and supporters of environmental groups. Comments were also received **from** industry associations (e.g., Grand Canyon Air Tour Council (**GCATC**); Aircraft Owners and Pilots Association (**AOPA**); Helicopter Association International (**HAI**); Experimental Aircraft Association (**EAA**); National Air Transportation Association (**NATA**)); an environmental coalition (Sierra Club; Grand Canyon **Trust**; ~~The~~ Wilderness Society; Friends of the Grand Canyon; **Maricopa** Audubon Society; **National** Parks and Conservation Association; Natural Sounds Society; Quiet Skies Alliance); river rafting organizations (Arizona Raft Adventures; Grand Canyon River Guides); air tour operators (**AirStar** Helicopters; Sunrise Airlines; Southwest Safaris; Grand Canyon Airlines; **Papillon** Grand Canyon Helicopters; **Windrock** Aviation; Air Vegas; **Heli** USA; Eagle

Jet Charter, Inc.); aircraft manufacturers (Twin Otter International, Ltd.; **Stemme** USA, Inc.); tourism organizations (Grand Canyon Air Tourism Association; Arizona **Office** of Tourism); government officials (Arizona Speaker of the House; Arizona State Legislature; Governor of Arizona; Arizona Corporation Commission; Clark County Department of Aviation); and Native American tribes (**Hualapai**; **Havasupai**; Navajo). Some of the substantive comments include commissioned studies, and economic and noise' impact analyses (**J.R.** Engineering; **Riddel** and **Schwer**).

The following is an analysis of the pertinent general comments received in response to Notice 99-11 by specific proposal and the rationale of the final rule.

AOPA Comments/Petition for Reconsideration

AOPA, on behalf of its members, comments that the FAA should clarify the raised floors of the Marble Canyon and North Canyon sectors as amended in ~~the~~ **1996** final rule. Further, **AOPA** states that the FAA should include language clarifying that the new ceiling will not impact other types of non-commercial general aviation flights. **AOPA** comments that the elimination of the Fossil Canyon Corridor and the raised floors of the Marble Canyon and North Canyon sectors **unfairly** penalizes general aviation flights. **AOPA** recommends restoring the sector altitudes for general aviation overflights to the **original** altitudes of 5,999' **MSL** and 4,999' **MSL** respectively. In its comment, **AOPA** also refers to a January 15, 1997, petition for reconsideration of the December **1996 final** rule. In that petition, **AOPA** raised similar issues as presented in its comment to the airspace modification proposal. Specifically **AOPA** asks that the FAA reconsider and (1) restore the floor of the North Canyon sector to **5,000** feet **MSL** for general

aviation overflight; (2) restore the floor for the Marble Creek Canyon sector to 6,000 feet MSL; (3) establish the Fossil Canyon for general aviation overflight; and (4) establish the proposed **Tuckup** corridor for general aviation flight.

FAA response and final rule action:

In the December 1996 final rule, the FAA took action to prohibit air tour operations in the **Tuckup** Corridor. However, the **Tuckup** Corridor has always been open to general aviation traffic. The FAA regrets that this was not made clear when it provided a map for public comment on the new routes. General aviation pilots should refer to the Grand Canyon **VFR** Aeronautical Chart (General Aviation), which clearly shows the **Tuckup** Corridor and its flight altitudes. The FAA stated that it was not modifying the **Tuckup** Corridor as recently as May 15, 1997, when it published Notice 97-6 proposing that certain corridors be established for quiet technology aircraft. Comments regarding Marble Canyon and Fossil Canyon corridors are addressed below.

The FAA apologizes for not responding to AOPA's petition earlier, but addresses and disposes of that petition in this final rule. The December 1996 final rule simplified the northeast sector of the **SFRA** by combining the Marble Canyon and the North Canyon sector into one sector and renaming the section the Marble Canyon Sector with the minimum sector altitude of 8,000 MSL. The route altitude for commercial air tour aircraft, for the most part, in this sector is 7,500 MSL, thus allowing for a 500 foot MSL buffer. The FAA is aware that between Cave Springs Rapids and Saddle Mountain, air tour operators are climbing so as to join the Saddle Mountain and North Rim air traffic (Black 1 route). Areas for general aviation operations are to be conducted at a slightly higher altitude than the commercial air tour routes to segregate general aviation operations from the relatively heavy commercial air tour operations. While the routes

reserve different altitudes for different types of operations, they do not in any way assure separation of individual aircraft (all pilots flying in the **SFRA** remain fully responsible for seeing and avoiding other aircraft). Consequently, it is not feasible to consider lowering the altitude for general aviation traffic in this sector below **8,000 feet MSL**. Therefore, the FAA denies this portion of **AOPA's** petition for reconsideration.

AOPA also requests that the FAA consider and **reopen** the Fossil Canyon Corridor to general aviation traffic. In promulgating the December 1996 final rule, it was the FAA's intention to close the Fossil Canyon corridor for commercial air tour flights only. As stated in the preamble to that rule, the FAA found that the Fossil Canyon corridor was not heavily used for commercial air tour purposes and that the operators who do use the corridor will have alternative routes. The FAA inadvertently did not include the Fossil Canyon corridor in section **93.307**, Minimum flight altitudes for commercial air tour aircraft and transient and general aviation operation. The FAA corrects that error in this rulemaking by making the Fossil Canyon Corridor available only to transient and general aviation operations at a flight altitude of **10,500 feet MSL** and above.

Delay of Rulemaking

'Twin Otter International, Ltd., and its affiliate, Grand Canyon Airlines, comments that the proposals should be withdrawn. These **commenters** state that they are prepared to pursue every remedy available to stop these proposals.

The Arizona Corporation Commission expresses concern over the lack of state input into the proposed rules to **further** restrict the air tour industry at **GCNP**. The Commission expresses that the Grand Canyon is an extremely important component of Arizona's tourism industry. It

believes that the same consideration should be given to Arizona officials that the FAA gave to Colorado **officials** in banning air tours over Rocky Mountain National Park.

FAA response and **final** rule action:

The FAA believes that Twin Otter's comment is directed to changes in the route structure and limitations on operations rather than the minor changes to the **SFRA** and **FFZs** of this rulemaking.

In response to the Arizona Commission, the FAA finds that this final rule does no harm to the Arizona tourist industry. The modification to the **Sanup FFZ** to accommodate two routes through the center of the park and the proposed extension of the **SFRA** do not restrict commercial air tours. The FAA has responded to the issues of changed routes and limits on operations in the appropriate documents published concurrently in the Federal Register. Thus the FAA does not believe it is necessary to delay implementation of this rule other than for training purposes.

Modifying the SFRA and FFZs

Air Vegas comments that it does not matter how the **SFRA** is realigned, because what really matters is how the route system is carved out of the **SFRA**.

The **Maricopa** Audubon Society recommends that the FAA close the Dragon Corridor (which is located just west of Hermit's Rest); this corridor impacts the Hermit, **Boucher**, **Waldron**, and **Tonto** trails. This **commenter** adds that the proposal would wrap tour flights closer around the south side of Point Sublime, which is "an unacceptable way to treat visitor experience at such a spectacular and noted backcountry vista site." Finally, this **commenter** says that **FFZs** need to be

large or they do not work and recommends enlargement of the Marble Canyon corridor and Powell Plateau **area**.

Clark County Department of Aviation says that Congress did not give the FAA the power to arbitrarily limit airspace. Clark County notes that the United States Court of Appeals for the District of Columbia Circuit recently stressed the need for agencies to identify “intelligible principles” guiding their actions under power delegated by Congress. ***American Trucking Assn v. EPA***, No. 97-1440 D.C. Cir. 1999. Clark County states that the FAA must carefully revisit its decision to avoid creating a precedent that could affect flights over thousands of sites across the West for which some cultural, historic and/or religious claim could be made.

Arizona Raft Adventures says that there appears to be modest improvement on some of the reconfiguration of air tour routes, especially as pertains to the Colorado River in Marble Canyon (flights would be further away **from** the rim of the Marble Platform); the route which passes between the Bright Angel and **Zuni** corridors; and the National Canyon area (routes have moved south, providing relief to the **Havasupai**). The **commenter** points out, however, that there are other compromises, such as effects on Point Sublime, Point Imperial, and Saddle Mountain. This **commenter** concurs with others who call for the elimination of the Dragon corridor.

FAA response **and** final rule action:

The route **structure** for **GCNP** is being **addressed** in a separate disposition of comments document **that** is being published concurrently with this final rule.

In response to **commenters** who want to close the Dragon Corridor to aircraft overflights. the FAA did not propose such a change. **NPS** and FAA are seeking to impose the regulations

necessary to achieve substantial steps towards the statutory mandate. At this time, the agencies have decided not to close the Dragon Corridor.

The **FAA** disagrees with Clark County that it is arbitrarily limiting available airspace in **GCNP**. Congress mandated the goal of substantial restoration of natural quiet in **GCNP** in Pub. L. 100-91. Pub. L. established the process for substantially restoring the natural quiet and experience in **GCNP**. Additionally, Congress granted **NPS** the discretion to use its expertise to establish a definition of the substantial restoration of natural quiet. **NPS** determined that substantial restoration of natural quiet required that over **50%** of the **GCNP** should be quiet **75-100%** of the time. The **NPS** in its **1994** Report to Congress set forth the methods it would consider to achieve its goal of substantial restoration of natural quiet. The **FAA**, consistent with the direction of the statute, implements **NPS** ' recommendations unless it has safety concerns with the recommendations. Thus the statute and the **NPS** recommendations provide guiding principles for the agencies implementing the regulations effecting the statutory goal. Additionally, the **FAA** has developed standards in its relations with the Native American Tribes and Nations and, as explained in the Final Supplemental Environmental Assessment, Chapter 4 (Sections regarding Noise and Department of Transportation Section **4(f)**), the **FAA** has used the same criteria in these **rulemakings** as were used in evaluating the expansion of arrivals into Los Angeles International **Airport**. *See Morongo Band of Mission Indians v. FAA*, 161 F.3d 569 (9th Cir. 1998).

Extending the SFRA east and modifying the Desert View FFZ

The FAA received a number of comments opposing the **SFRA** expansion. **AOPA** also raises the issue that if hazardous weather or flight conditions required a route change that might penetrate the boundaries or transition area, the **GCNP** “has no controlling authority to contact for permission.” This **commenter** states that general aviation traffic will have difficulty safely avoiding the Sunny Military Operations Area (**MOA**) and “legally avoiding the **SFRA** when flying from the south to destinations such as Tuba City and Page.” **AOPA** recommends modifying the southeastern boundary “to allow at least five (**5**) nautical miles of airspace between the boundary of the **SFRA** and the Sunny **MOA**.” Moreover, **AOPA** also finds that this change is outside scope of Pub. L. 100-91 which relates to restoration of natural quiet, not protection of Native American Traditional Cultural Properties.

EAA comments that moving the **SFRA** boundary as well as the Desert View **FFZ** to the east imposes air space regulations on the Navajo Nation that did not previously exist. **EAA** further comments that this proposal pushes GA flights too close to the Sunny **MOA**. Some **commenters** state that this is an unnecessary infringement on the limited National Airspace available for public use.

Comments **from** general aviation pilots indicate that they do not want to see the boundaries of the Desert View **FFZ** expanded to the east **because** the canyons of the Little Colorado are a de facto flyway, serving as the obvious entrance **point** to Grand Canyon airport **from** the east.

AirStar Helicopters says that the extension of the Desert View **FFZ** will have a negative economical impact on the Navajo Nation through loss of business and will add cost to operators with the additional miles being flown. Likewise, a film industry spokesman from Locations

Southwest comments that he works with the Navajo and **Hualapai** in filming areas outside the jurisdiction of **GCNP**. His concern is that the extension of the Desert view **FFZ** may adversely affect his ability to film and thus affect the income of the two tribes. **Papillon** Helicopters comments that the Navajo tribe will lose fees paid in compensation for access to their lands. Such fees would now go to the **NPS**.

Sunrise Airlines comments that the proposed easterly expansion does not provide a benefit to the **GCNP** and therefore the boundaries should not be moved easterly from its current location. This **commenter** disagrees with the expansion of the Desert View **FFZ**. Although accommodating the concerns of the Native Americans may seem to be “the right thing to do”; it is not consistent with the intent of Pub. L. 100-91. Expanding the Desert View **FFZ** does nothing to restore natural quiet in the National Park, and the proposed easterly expansion of the **FFZ** is entirely outside the **GCNP**. This **commenter** posits that creating an **FFZ** outside the **GCNP** boundaries will set a very dangerous precedent giving implied rights to land owners.

The environmental coalition supports expanding the **SFRA** east onto the Navajo Nation and extending the Desert View **FFZ** five miles east thus offering some protection to the Little Colorado River and important Native American cultural sites.

FAA response and final rule action:

The FAA proposed the **SFRA** and Desert View **FFZ** expansion to improve the safe navigation of general aviation pilots, to realign the Desert View **FFZ** with the **GCNP** boundaries, and to protect **TCPs**. The FAA agrees that the proposed action could be perceived as forcing general aviation **traffic** closer to the Sunny **MOA** and compromise safety, especially in inclement weather. Further, it was not the intent of the proposal to establish a **FFZ** over non-park land.

Therefore, in this final rule the Desert View **FFZ**'s eastern boundary will be moved back to the **GCNP** boundary. The **SFRA** boundary is moved 5 miles to the east as proposed.

Additionally, the FAA has modified the southeastern portion of the **SFRA** to allow three and a half (3 ½) nautical miles between the boundary of the **SFRA** and the Sunny **MOA**. The FAA finds that this action in the final rule both protects the confluence of the Little Colorado River and allows for safe general aviation transit through the area.

To operate safely in the vicinity of a **MOA**, general aviation operators should contact the appropriate flight service station to stay aware of actions in the **MOA**. The FAA also reminds general aviation visitors to **GCNP** that a provision for deviations into the **SFRA** is provided in section **93.305** for emergencies and other safety of flight situations.

Bright Angel FFZ

The FAA received several comments **from** air tour operators who maintain that the failure to immediately implement a quiet aircraft incentive route creates a disincentive to development of quiet aircraft technology and imposes a burden on operators that have already acquired quiet aircraft. Furthermore, these **commenters** state that the Bright Angel corridor would improve flight safety by giving air tour operators the ability to fly a safer route at a lower altitude.

Without the **Bright** Angel corridor operators must fly over Saddle Mountain Wilderness Area which is a longer route over higher terrain and increases aircraft direct operating costs by 20% .

The Grand Canyon River Guides Association opposes the proposed future incentive route for noise-efficient aircraft through the Bright-Angel **FFZ** because **FFZs** should be flight-free. The

FAA and **NPS** should not even consider such routes while the minimum goal of substantial restoration of natural quiet still has not been met.

Sunrise Airlines states that the expansion of the **SFRA** to the south will benefit the Bright Angel **FFZ** by placing aircraft further from this zone and therefore should be adopted west of the **Zuni** Point Corridor but not east of the **Zuni** Point Corridor where there is no benefit.

The environmental coalition opposes the addition of an 'incentive corridor' through the Bright Angel **FFZ**. These associations state that rather than allowing quiet aircraft to fly on more routes, quieter aircraft should be used to meet the existing substantial restoration requirement.

FAA response and final rule action:

The FAA reiterates its commitment to an incentive corridor as stated in **NPRM 96-15**, Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park. Adoption of such a corridor is consistent with the Comprehensive Noise Management Plan, which "will address the best available technology, provision of appropriate incentives for investing in quieter **aircraft**, and appropriate treatment for operators that have already made such investments."

(**61FR 69338**; December **31, 1996**) However, the Bright Angel Corridor cannot be used until the standards **for** quiet technology are developed.

In this **final** rule the FAA retains the Bright Angel Corridor for future use by quiet technology **aircraft** once quiet technology is defined in a subsequent **final** rule. Additionally, the location of this incentive corridor would overlies the current location of the Black **1A** and Green **1A** routes. Consequently, the coordinates for this incentive corridor have been further defined using North American Datum **83 (NAD 83)** versus **NAD 27**. This new defined area will place

the incentive corridor .6 to .8 nautical miles north of the coordinates that were proposed in Notice 97-6.

Editorial corrections

The FAA corrects an inadvertent error in the **Toroweap/Shinumo FFZ**. In **SFAR 50-2**, a portion of the airspace in the vicinity of the **Hualapai** Reservation was inadvertently included as part of the **Toroweap FFZ**, which was subsequently combined into the **Toroweap/Shinumo FFZ** in the 1996 final rule (61FR 69331). The FAA never intended to extend the **FFZ** over the **Hualapai** Reservation. Therefore, a small circular area in the southeast portion of that **FFZ**, near **Toroweap** Overlook, is removed. This will allow the boundaries of the **Toroweap/Shinumo FFZ** to coincide with the boundaries of the **Hualapai** Reservation.

On December 31, 1996 the FAA published the Special Flight Rules in the Vicinity of Grand Canyon National Park final rule. The final rule amended part 93 of Title 14, Code of Federal Regulations (14CFR), by adding a new subpart to codify the provisions of Special Federal Aviation Regulation (**SFAR**) 50-2, Special Flight Rules in the Vicinity of Grand Canyon National Park, AZ. However, the December 31, 1996 final rule contained a typographical error that inadvertently moved a portion of the northwestern boundary of the **SFRA** of the GCNP. This error causes a certain air tour route (Green 4) to fall partially outside of the **SFRA**.

Further, in describing the **SFRA** around the Peach Springs **VORTAC**, a typographical error of ten seconds in Latitude caused the **SFRA** not to be adjoined in this area.

The **Tuweep** Airstrip was unintentionally left out of **SFAR 50-2**. This omission causes the **Tuweep** Airstrip not to have charted information regarding general operating procedures used

within 3 nautical miles and below 3,000 feet above the airport's elevation. This action corrects those errors by revising the legal description of the **SFRA** boundary as described in section 93.301, and adding the **Tuweep** Airstrip to section 93.309(f).

SFAR 50-2

SFAR 50-2 is removed in this **final** rule as of December 1, 2000. At that time the airspace modifications of this final rule will become effective to accommodate the new Blue Direct North and Blue Direct South routes. The FAA has determined that delaying implementation until December 1, 2000, will enable the air tour operators to ensure **sufficient** training on the new routes during a time period outside their peak season. Therefore, **SFAR 50-2** is removed, effective December 1, 2000.

Environmental Review

The FAA, in cooperation with **NPS** and the **Hualapai** Indian Tribe, prepared a Draft Supplemental Environmental Assessment (**SEA**) for the proposed rules to assure conformance with the National Environmental Policy Act (**NEPA**) of 1969, as amended, and other applicable environmental laws and regulations. Copies of the Draft SEA were circulated to interested parties and placed on the Docket, where it was available for review. On July 9, 1999, the Notice of Availability of the SEA for the Proposed Actions Relating to the **GCNP** was published in the

Federal Register (**64 FR 37192**). Comments on the Draft SEA were to be received on or before September **7, 1999**.

Comments received in response to this Notice of Availability have been addressed in the final SEA published concurrently with this final rule. Based upon the final SEA and careful review of the public comments to the draft SEA, the FAA has determined that a finding of no significant impact (**FONSI**) is warranted. The final SEA and the **FONSI** were issued in **February 2000**. Copies have been placed in the public docket for this rulemaking, have been circulated to interested parties, and may be inspected at the same time and location as this final rule.

Economic Summary

Any changes to Federal regulations must undergo several economic analyses. First, Executive Order **12866** directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of **1980** requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. A regulatory evaluation of the proposal is in the docket.

Because of the continued high public interest surrounding **GCNP** regulations and the potential implications within a small locality, the FAA has determined that this final rule will be “a significant regulatory action” as defined in the Executive Order and the **Department** of

Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The FAA, however, has determined that this **final** rule will not have a significant economic impact on a substantial number of small entities (commercial air tour operators conducting flights within Grand Canyon National Park), and does not warrant further regulatory flexibility action. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule will not have a significant economic impact on a substantial number of small entities. In addition, the final rule will not have a significant impact on international trade.

Costs

The costs associated with the reconfiguration of the Desert View and Bright Angel **Flight-free Zones (FFZ)** as described in 14 CFR §93.305, **were** accounted for in the December 31, 1996 final rule (61 FR 69302). This analysis therefore, is concerned only with the costs associated with the modifications to the **reconfigurations**.

Special Flight Rules Area

The **SFAR 50-2** Black 2 and Black 3 routes currently used are the only air tour routes that will be affected by the concomitant eastward shifts of the **SFRA**. The Black 2 route extends mostly over plateau, not the Canyon, and is utilized as an access route to the Black 1 tour route over the Canyon. The Black 2 route is not a prominent feature of any air tour. Information provided for the base year indicates that only one operator utilized the Black 2 route to conduct air tours of the Grand Canyon. Similarly, the Black 3 route is more of an access route within the

SFRA to the more scenic Black 1 air tour route. Operators accessing the Grand Canyon via the Black 3 route, however, split south at Imperial Point and remain on the Black 1 route through the **Zuni** Point Corridor.

The FAA believes that a shift in the Black 2 route eastward resulting from the eastward **shift** in the **SFRA** by five nautical miles will serve only to realign the access/approach to the Black 1 tour route. It will not alter the tour offerings of the individual operator discussed above, and any changes in the operator's variable operating costs resulting from adding five nautical miles to the overall air tour (about 2-3 minutes) are negligible. Similarly, the FAA believes there will be no impact on the operators entering the **SFRA** on the Black 3 route to conduct air tours of the Canyon. The eastward extension of the **SFRA** by five nautical miles will not necessarily add distance and time to the tours using the Black 3, but rather, it will tend to substitute distance and time in controlled airspace for distance and time in unrestricted airspace. Therefore, the FAA concludes that the costs for this part of the final rule are de **minimus**. However, as discussed in the comments section to the Regulatory Evaluation, Southwest Safaris may experience a cost impact due to the **SFRA** shift and the route change. The FAA can not assess the specific impact of the shift because it has not received data from Southwest Safaris to document the number of air tours conducted during May 1, 1997-April 30, 1998.

Bright Angel Flight-f&e Zone:

The FAA is establishing the Bright Angel corridor for future use by quiet technology aircraft. Readers must understand **that** until a standard for quiet technology aircraft is developed and adopted, this corridor will not be available for use.

The Bright Angel incentive corridor is parallel to the route that is currently depicted on the Grand Canyon **VFR** Aeronautical Chart as the Green **1A** and Black **1 A**, or Alpha routes. This corridor will be available in the future only to noise efficient/quiet technology **aircraft**. Currently, the FAA and the **NPS** have not defined what is a noise efficient/quiet technology aircraft. Consequently, the route will not be available for immediate use except in weather emergencies but potentially should be available for use in the future.

Other Areas:

The **Sanup FFZ** will be modified to accommodate the new route system contained in the concurrent Notice of Route Availability. No estimated costs are associated with this alternative. In addition, no estimated costs are associated with reopening the Fossil Canyon Corridor.

Cost Summary

The **FAA** estimates that any costs associated with the **SFRA** expansion of five nautical miles to the east will be de **minimus**, except, possibly, in the case of Southwest Safaris, based on the same reasoning as previously stated. Also, the FAA determines that the modification to the **Sanup FFZ**, ~~and the~~ reopening of the Fossil Canyon Corridor will result in no additional costs. The potential cost of the incentive corridor through the Bright Angel **FFZ** cannot be estimated at this time. The potential cost will be estimated in a future regulatory evaluation for the rulemaking that defines noise efficient/quiet technology aircraft.

Benefits

The primary benefit associated with this final rule is a reduction of circumnavigation **costs** for general aviation operators. The potential benefit of the incentive corridor through the Bright Angel **FFZ** cannot be estimated at this time. The potential benefit will be estimated in a future regulatory evaluation for the rulemaking that defines noise efficient/quiet technology aircraft.

The reopening of the Fossil Canyon Corridor will reduce circumnavigation costs for **GA** operators. The expansion of the eastern boundary of the **SFRA** addresses certain concerns of the Native Americans in that area while at the same time posing no perceived additional costs on operators. Benefits associated with the modification to the **Sanup FFZ** cannot be quantified without additional information regarding the air tour route alternative.

Regulatory Flexibility Analysis

The **Regulatory Flexibility Act** of 1980 establishes “as a principle of regulatory issuance that agencies shall endeavor, consistent with the **objective** of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.” To achieve that principal, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rational for their

actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (**RFA**) as described in the Act. However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section **605(b)** of the 1980 act provides that the head of the agency may so certify and an **RFA** is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This final rule will only have a de **minimus** cost impact on the certificate holders for whom cost have been estimated. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. **605(b)**, the Federal Aviation Administration certifies that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The FAA has determined that the **final** rule will have no **affect** on **non-U.S.** operators of foreign **aircraft** &rating outside the United States nor will it have an affect on U.S. trade or trade relations.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104-4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure of \$100 million or more (when adjusted annually for inflation) in any one year by State, local, and tribal governments in the aggregate, or by the private sector. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed “significant intergovernmental mandate.” A “significant intergovernmental mandate” under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments in the aggregate of \$100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that, before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan, which, among other things, must provide for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity for these small governments to provide input in the development of regulatory proposals.

This **final** rule does not contain any Federal intergovernmental or private sector mandates. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

International Compatibility

The FAA has reviewed corresponding International Civil Aviation Organization standards and recommended practices and Joint Aviation Authorities requirements and has identified no comparable amendments in foreign regulations.

International Trade Impact Analysis

In accordance with the **OMB** memorandum dated March 1983, Federal agencies engaged in rulemaking activities are required to assess the effects of regulatory changes on international trade. The modification to the **FFZs** and **SFRA** in Grand Canyon National Park of this final rule do not impact international trade for the air tour operators, Native Americans, and park visitors affected by this final rule.

Federalism Implications

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has determined that this final rule will not have **sufficient** federalism implications to **warrant** the preparation of a Federalism Assessment.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 requires that agencies consider the impact of paperwork and other information collection burdens imposed on the public. Under the Act, no

person is required to respond to a collection of information unless it displays a valid Office of Management and Budget (OMB) control number.

There are no requirements for information collection associated with this proposed rule that would require approval under the Act.

List of Subjects

14 CFR Parts 91, 121, & 135 Aircraft, Airman, Aviation safety.
14 CFR Part 93

Air traffic control, Airports, Navigation (Air), Reporting and recordkeeping requirements.

Adoption of Amendments

For the reasons set forth above, the Federal Aviation Administration amends parts 91, 93, 121, and 135 of Title 14 of the Code of Federal Regulations, effective December 1, 2000, as follows:

PART 91--GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506-46507, 47122, 47508, 47528-47531.

PART 91 [Amended]
~~SFAR No. 50-2 [Removed]~~

2. The authority citation for part 121 continues to read as follows:

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Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701-44702, 44705, 44709-44711, 44713, 44716-44717, 44722, 44901, 44903-44904, 44912, 46105.

PART 135 [Amended]

3. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44709, 44711-44713, 44715-44717, 44722.

SFAR NO. 50-2 [Removed]

4. In parts 91, 121, and 135, Special Federal Aviation Regulation No. 50-2, the text of which appears at the beginning of part 91, is removed.

PART 93--SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

5. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44719, 46301.

Section 93.301 is revised to read as follows. This supersedes §93.301 published on December 31, 1996 (61 FR 69330) and delayed until January 3, 2001 (65 FR 5397, February 3, 2000).

6. ~~In part 93, subpart U is added to read as follows:~~

~~Subpart U--Special Flight Rules in the Vicinity of Grand Canyon National Park, AZ~~

Sec.

93.301 Applicability.

93.303 Definitions.

93.305 Flight-free zones and flight corridors.

93.307 Minimum flight altitudes.

93.309 General operating procedures.

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- 93.311 Minimum terrain clearance.
- 93.313 Communications.
- 93.315 Commercial sightseeing flight operations.
- 93.316 Commercial sightseeing limitations.
- 93.317 Commercial sightseeing flight reporting requirements.

Subpart U--Special Flight Rules in the Vicinity of Grand Canyon National Park, AZ

§ 93.301 Applicability.

This subpart prescribes special operating rules for all persons operating aircraft in the following airspace, designated as the Grand Canyon National Park Special Flight Rules Area: That airspace extending from the surface up to but not including 18,000 feet MSL within an area bounded by a line beginning at Lat. 35°55'12" N., Long. 112°04'05" W.; east to Lat. 35°55'38" N., Long. 111°42'12" W.; north to Lat. 36°16'47" N., Long. 111°42'17" W.; to Lat. 36°24'49" N., Long. 111°47'45" W.; to Lat. 36°52'23" N., Long. 111°33'10" W.; west-northwest to Lat. 36°53'37" N., Long. 111°38'29" W.; southwest to Lat. 36°35'02" N., Long. 111°53'28" W.; to Lat. 36°21'30" N., Long. 112°00'03" W.; west-northwest to Lat. 36°30'30" N., Long. 112°35'59" W.; southwest to Lat. 36°24'46" N., Long. 112°51'10" W.; thence west along the boundary of Grand Canyon National Park (GCNP) to Lat. 36°14'08" N., Long. 113°10'07" W.; west-southwest to Lat. 36°09'50" N., Long. 114°01'53" W.; southeast to Lat. 36°06'24" N., Long. 113°58'46" W.; thence south along the boundary of GCNP to Lat. 36°00'23" N., Long. 113°54'11" W.; northeast to Lat. 36°02'14" N., Long. 113°50'16" W.; to Lat. 36°02'16" N., Long. 113°48'08" W.; thence southeast along the boundary of GCNP to Lat. 35°58'09" N., Long. 113°45'04" W.; southwest to

Lat. 35°54'48" N., Long. 113°50'24" W.; southeast to Lat. 35°41'01" N., Long. 113°35'27" W.;
thence clockwise via the 4.2-nautical mile radius of the Peach

Part 93-SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

1. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44719,
46301.

2. Section 93.301 is amended by adding the revised Latitude and Longitude coordinates as follows:

§ 93.301 Applicability.

This subpart prescribes special operating rules for all persons operating aircraft in the following airspace, designated as the Grand Canyon National Park Special Flight Rules Area: That airspace extending from the surface up to but not including 18,000 feet MSL within an area bounded by a line beginning at Lat. 35°55'12" N., Long. 112°04'05" W.; east to Lat. 35°55'30" N., Long. 111°45'00" W.; to Lat. 35°59'02" N., Long. 111°36'03" W.; north to Lat. 36°15'30" N., Long. 111°36'06" W.; to Lat. 36°24'49" N., Long. 111°47'45" W.; to Lat. 36°52'23" N., Long. 111°33'10" W.; west-northwest to Lat. 36°53'37" N., Long. 111°38'29" W.; southwest to Lat. 36°35'02" N., Long. 111°53'28" W.; to Lat. 36°21'30" N., Long. 112°00'03" W.; west-northwest to Lat. 36°30'30" N., Long. 112°35'59" W.; southwest to Lat. 36°24'46" N., Long. 112°51'10" W., thence west along the boundary of Grand Canyon National Park (GCNP) to Lat. 36°14'08" N., Long. 113°10'07" W.; west-southwest to Lat. 36°09'30" N., Long. 114°03'03" W.; southeast to Lat. 36°05'11" N., Long. 113°58'46" W.; thence south along the boundary of GCNP to Lat.

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35°58'23" N., Long. 113°54'14" W.; north to Lat. 36°00'10" N., Long. 113°53'48" W.; northeast to Lat. 36°02'14" N., Long. 113°50'16" W.; to Lat. 36°02'17" N., Long. 113°49'11" W.; southeast to Lat. 36°01'22" N., Long. 113°48'21" W.; to Lat. 35°59'15" N., Long. 113°47'13" W.; to Lat. 35°57'51" N., Long. 113°46'01" W.; to Lat. 35°57'45" N., Long. 113°45'23" W.; southwest to Lat. 35°54'48" N., Long. 113°50'24" W.; southeast to Lat. 35°41'01" N., Long. 113°35'27" W.; thence clockwise via the 4.2-nautical mile radius of the Peach Springs VORTAC to Lat. 35°38'53" N., Long. 113°27'49" W.; northeast to Lat. 35°42'58" N., Long. 113°10'57" W.; north to Lat. 35°57'51" N., Long. 113°11'06" W.; east to Lat. 35°57'44" N., Long. 112°14'04" W.; thence clockwise via the 4.3-nautical mile radius of the Grand Canyon National Park Airport reference point (Lat. 35°57'08" N., Long. 112°08'49" W.) to the point of origin.

7. Sections 93.305 and 93.307 published on December 31, 1996, (61 FR 69330), corrected at 62 FR 2445 and delayed at 65 FR 5397 become effective December 1, 2000.

8. Section 93.305 is amended by revising paragraph (a), by revising the last sentence and adding a new sentence to the end of paragraph (b), by revising paragraph (c), and by revising paragraph (d) to read as follows:

§ 93.305 Flight-free zones and flight corridors.

* * * * *

(a) Desert View Flight-free Zone. That airspace extending **from** the surface up to but not

including 14,500 feet MSL within an area bounded by a line beginning at Lat. 35°59'58" N.,

Long. 111°52'47" W.; thence east to Lat. 36°00'00" N., Long. 111°51'04" W.; thence north to 36°00'24" N., Long. 111°51'04" W.; thence east to 36°00'24" N., Long. 111°45'44" W.; thence north along the **GCNP** boundary to Lat. 36°14'05" N., Long. 111°48'34" W.; thence southwest to Lat. 36°12'06" N., Long. 111°51'14" W.; to the point of origin; but not including the airspace at and above 10,500 feet **MSL** within 1 nautical mile of the western boundary of the zone. The corridor to the west between the Desert View and Bright Angel Flight-free Zones, is designated the "Zuni Point Corridor." This corridor is 2 nautical miles wide for commercial air tour flights and 4 nautical miles wide for transient and general aviation operations.

- (b) *** This corridor is 2 nautical miles wide for commercial air tour flights and 4 nautical miles wide for transient and general aviation operations. The Bright Angel Flight-free Zone does not include the following airspace designated as the Bright Angel Corridor: that airspace one-half nautical mile on either side of a line extending from Lat. 36°14'57" N., Long. 112°08'45" W. and Lat. 36°15'01" N., Long. 111°55'39" W.

- (c) Toroweap/Shinumo Flight-free Zone. That airspace extending **from** the surface up to but not including 14,500 feet **MSL** within an area bounded by a line beginning at Lat. 36°05'44" N., Long. 112°19'27" W.; north-northeast to Lat. 36°10'49" N., Long. 112°13'19" W.; to Lat. 36°21'02" N., Long. 112°08'47" W.; thence west and south along the **GCNP** boundary to Lat. 36°10'58" N., Long. 113°08'35" W.; south to Lat. 36°10'12" N., Long. 113°08'34" W.;

thence in an easterly direction along the park boundary to the point of origin; but not including the following airspace designated as the “**Tuckup** Corridor”: at or above 10,500 feet **MSL** within 2 nautical miles either side of a line extending between Lat. **36°24’42” N.**, Long. **112°48’47” W.** and Lat. **36°14’17” N.**, Long. **112°48’31” W.** The airspace designated as the “Fossil Canyon Corridor” is also excluded **from** the **Toroweap/Shinumo** Flight-free Zone at or above 10,500 feet **MSL** within 2 nautical miles either side of a line extending between Lat. **36°16’26” N.**, Long. **112°34’35” W.** and Lat. **36°22’51” N.**, Long. **112°18’18” W.** The Fossil Canyon Corridor is to be used for transient and general aviation operations only.

- (d) **Sanup** Flight-free Zone. That airspace extending from the **surface** up to but not including 8,000 feet **MSL** within an area bounded by a line beginning at Lat. **35°59’32” N.**, Long. **113°20’28” W.**; west to Lat. **36°00’55” N.**, Long. **113°42’09” W.**; southeast to Lat. **35°59’57” N.**, Long. **113°41’09” W.**; to Lat. **35°59’09” N.**, Long. **113°40’53” W.**; to Lat. **35°58’45” N.**, Long. **113°40’15” W.**; to Lat. **35°57’52” N.**, Long. **113°39’34” W.**; to Lat. **35°56’44” N.**, Long. **113°39’07” W.**; to Lat. **35°56’04” N.**, Long. **113°39’20” W.**; to Lat. **35°55’02” N.**, Long. **113°40’43” W.**; to Lat. **35°54’47” N.**, Long. **113°40’51” W.**; southeast to Lat. **35°50’16” N.**, Long. **113°37’13” W.**; thence along the park boundary to the point of origin.

* * * * *

4. Section 93.307 is amended by revising the headings for paragraphs (a)(1) and (b)(1) and adding a new sentence to the end of paragraph (b)(2) ^(iv)to read as follows:

§ 93.307 Minimum flight altitudes.

(a) * * *

(1) Commercial air tours

* * * * *

(b) * * *

(1) Commercial air tours. * * *

* * * * *

~~(b)(2)~~ * * * ^g(iv) **Fossil Canyon Corridor. 10,500 feet MSL.**

1. Section 93.309 is amended by revising paragraphs (b) and (f) to read as follows:

§ 93.309 General operating procedures.

* * * * *

(b) Unless necessary to maintain a **safe** distance **from** other **aircraft** or terrain, proceed through the **Zuni Point, Dragon, Tuckup,** and Fossil Canyon Flight Corridors described in §93.305 at the following altitudes unless otherwise authorized in writing by the Flight Standards District Office:

4-11
3-28-00

(1) Northbound. 11,500 or 13,500 feet MSL.

(2) Southbound. 10,500 or 12,500 feet MSL.

* * * * *

(f) Is conducted within 3 nautical miles of Grand Canyon Bar Ten Airstrip, Pearce Ferry Airstrip,

Cliff Dwellers Airstrip, Marble Canyon Airstrip, or **Tuweep** Airstrip at an altitude less than 3,000 feet above airport elevation, for the purpose of landing at or taking off from that facility; or

* * * * *

Issued in Washington, DC, on


Jane F. Garvey

Administrator

D-6-13

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Routes for the Grand Canyon National Park

AGENCY : Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of routes in Grand Canyon National Park; disposition of comments.

SUMMARY : This notice disposes of comments made on a notice of availability of routes in the Grand Canyon National Park (GCNP) Special Flight Rules Area (SFRA) published July 9, 1999, and makes available the final map depicting those routes. The commercial routes are not being published in the Federal Register because they are depicted on large, detailed charts that would be difficult to read if published in the Federal Register. The modifications of certain commercial routes require airspace changes in the GCNP SFRA that are contained in a final rule being published concurrently in this Federal Register. The airspace modification and the modification to the route structure support the National Park Service mandate to provide for the substantial restoration of the natural quiet and experience in GCNP.

Pub. 1/14/00

EFFECTIVE DATE: The routes depicted on the map made available by this notice are effective on December 1, 2000.

FOR FURTHER INFORMATION CONTACT:

Gary Davis, Air Transportation Division, AFS-200, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267-8166.

SUPPLEMENTARY INFORMATION:

The final commercial routes are not being published in the Federal Register because they are on very large and detailed charts that would not publish well in the Federal Register. The Grand Canyon Visual Flight Rules (VFR) Chart can be purchased from National Ocean Service (NOS) authorized chart agents throughout the world, or directly from NOS with a credit card on (800) 638-8972. The cost of the chart is \$3.35. Please specify 3rd edition.

Discussion

On July 9, 1999, the FAA published a notice of availability of routes in GCNP and request for comments (64 FR 37191). The FAA, in consultation with the National Park Service (NPS), developed the routes based on safety considerations, economic considerations, consultation with

Native American tribes, airspace configurations, the need to substantially restore natural quiet and experience in the GCNP, and comments received in response to the notice of availability of routes. The FAA, in consultation with the NPS, also has modified the existing airspace in the SFRA to accommodate these route changes in a companion final rule (Docket No. FAA-99-5926) published elsewhere in this Federal Register.

In developing the routes for GCNP, the FAA has consulted with Native American tribes, on a government-to-government basis, in accordance with the Presidential Memorandum on Government-to-Government Consultation with Native American Tribal Governments. This consultation was designed to assess potential effects on tribal trust resources and to assure that tribal government rights and concerns are considered in the decisionmaking process. The FAA also has consulted with Native American Tribes pursuant to the American Indian Religious Freedom Act and the Religious Freedom Restoration Act concerning potential effects of the routes on sacred sites. In accordance with Section 106 of the National Historic Preservation Act, the FAA has consulted with Native American tribes, the Arizona State Historic Preservation Office, the Advisory Council on Historic Preservation, and other interested parties

concerning potential effects on historic sites, including traditional cultural properties and Native American sacred sites.

Disposition of Comments on Routes

The FAA received more than 100 comments on the notice of availability published July 9, 1999. Comments were submitted by air tour operators (Air Vegas, Southwest Safaris, Grand Canyon Airlines); industry associations (Aircraft Owners and Pilots Association, National Air Transportation Association, Helicopter Association International); aircraft manufacturers (Twin Otter International, Ltd.); environmental groups (Arizona Raft Adventures, Friends of Grand Canyon, Grand Canyon River Guides, Grand Canyon Trust, Mariposa Audubon Society, Nature Sounds Society, National Parks and Conservation Association, Quiet Skies Alliance, Sierra Club, The Wilderness Society); private individuals, and government and public officials.

General Comments on Routes

Helicopter Association International says that, because of noise considerations, it has consistently objected to implementation of air tour routes that place

air tour operations repetitively over or very near areas in which large numbers of persons on the ground congregate.

Instead, HAI believes that air tour routes should be designed to avoid the largest number of park ground visitors practicable, consistent with the right of air tour visitors to experience their national park from an aerial perspective. The routes also need to support the safe arrival and departure procedures to facilities on the ground where air tour visitors can safely and conveniently board air tour aircraft.

HAI adds that human activity on the ground has characteristics that may influence acceptable overflight noise thresholds, and that the presence or absence of such activity should be taken into account. For example, automobile traffic and crowd noise in areas frequented by park ground visitors may mask aircraft overflight sound. It may be reasonable, therefore, to permit more such sound in these areas than in areas where automobile traffic and crowd noise are absent.

FAA Response: The NPS has advised the FAA that the noise concerns are less over the highly populated areas of the park, such as Grand Canyon Village, where there are other noise sources, such as buses, and large crowds. The NPS is particularly concerned with protecting the natural quiet

that exists on back country trails and on the quiet river waters where park visitors go to experience nature. Thus where possible, the FAA has structured the routes to be consistent with this concern. The FAA has determined that route changes contained in this notice provide safe transit through the SFRA and support safe arrival and departure procedures to local airports.

Eastern expansion of Desert View (Black 2, Green 3 and Black 2X-4)

Southwest Safaris says that flexibility of route structure is critical. This commenter also notes that weather and lighting changes in GCNP from hour to hour, day to day, and season to season. In order to provide park visitors with the best air tour possible, air tour operators must be able to fly the Canyon both south to north and north to south, as well as in a counterclockwise direction. This commenter believes that some tours need to be longer than others for reasons of price as well as safety.

Southwest Safaris also states that the newly proposed air tour routes in the eastern end of the Park totally destroy an air tour operator's flexibility to design tours appropriate to changing conditions in the Park. Finally,

this commenter finds that the newly proposed air tour routes make no reasonable provision for entering and exiting the Park from the east or the northeast. Air tour operators approaching the Canyon from Tuba City and/or Monument Valley will be negatively impacted.

FAA Response: The routes map depicts a modification in the Desert View FFZ moving it back to the GCNP boundary. This modification from the proposed change to the Desert View FFZ is addressed in the final rule, Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones, which appears in this issue of the Federal Register. This change will not affect the proposed Green 3 or Black 2 routes and the SFRA boundary will be depicted as it was on the proposed map.

The FAA added the Zuni turnaround to provide some counterclockwise flexibility. It is not revising the entry point at 2X-4 due to altitude congestion. The entrance points to Black 2 and Green 3 located near the Reservation have been modified to provide easier entry onto the routes.

Zuni Corridor (Black 2, Green 1)

Southwest Safaris states that the proposed routes over the canyons of the Little Colorado River are of negative value. Passengers pay to see the Grand Canyon, not the

lesser canyons of the Little Colorado River or even the Painted Desert. This commenter states that any air tour operator who diverts east to avoid weather over Saddle Mountain will be compelled to refund the entire money paid for the air tour because this would fly out over the desert where there is nothing to see. Southwest Safaris states that as soon as this financial reality becomes generally known, air tour operators will feel that they "must" fly the longer, higher routes "over the top" of the Canyon (through the extended Dragon Corridor) even in the face of bad weather. This commenter believes that the FAA is forcing air tour operators into a safety risk to the extent that once inside the Canyon airspace there will be no way out.

Grand Canyon Airlines states that the Black 1 route over Saddle Mountain forces air tour operators to fly a longer route over higher terrain. This increases the cost of the air tour without providing any additional benefit to air tour passengers.

FAA Response: The FAA has modified the **Zuni** Point Corridor routes to permit two-way fixed wing traffic in response to comments. The FAA has concluded that a turnaround at **Gunthers** Castle is necessary to provide operators with a safe and economic alternative to the Saddle Mountain

routes. Additionally, the FAA estimates that with the cap on commercial air tours the noise impact on the park will be improved if air tour operators are permitted shorter flights. For example, if an air tour operator is given only 10 allocations they will produce less noise by conducting 10 half hour air tours rather than 10 one hour air tours. By using the two-way flights in the Zuni Point Corridor, air tours will avoid the much longer flight around Saddle Mountain and through the Dragon Corridor. The FAA believe this change serves three beneficial ends: 1) it improves safety by permitting air tours to use the Zuni Point Corridor as an alternative to flying over Saddle Mountain during bad weather, 2) it decreases air tour noise in the park, and (3) it alleviates economic concerns.

Bright Angel

Grand Canyon Airlines requests that an air tour route be added, through the Bright Angel Corridor so that air tour operators will have a safe alternative to flying over Saddle Mountain.

Several environmentalist commenters state that Bright Angel Corridor should never be opened to air tour traffic.

FAA Response: The FAA is not currently implementing a route for all aircraft in the Bright Angel Corridor. The

route map shows a future Bright Angel Corridor. The Bright Angel Corridor is reserved as a future incentive route for noise efficient/quiet technology aircraft. However, the FAA notes that in a weather emergency, an operator can use the Bright Angel Corridor to escape weather over Saddle Mountain.

' Marble Canyon (Black 4, Black 5)

Southwest Safaris states that the FAA has reversed the route structure in the Marble Canyon Sector. Black 4 and Black 5 have been swapped, with no justification for the needless confusion this will cause air tour operators.

Both Southwest Safaris and Sunrise Airlines state that Black 4 and Black 5 routes should remain as currently depicted under SFAR 50-2. Additionally, Southwest Safaris notes that the FAA proposal unnecessarily and unfairly forces commercial air tour traffic away from the canyon taking away the quality air tour from the entire Marble Canyon.

FAA Response: The FAA and NPS during the 1996 rulemaking process decided to redesign the Marble Canyon Sector to reduce the impact of aircraft noise on the Colorado River. To accomplish this reduction, the FAA eliminated one of two air tour crossovers and the routes were moved further from

the river. The elimination resulted in the reversal of the entry and exit points of Black 4 and Black 5. The FAA believes this is a training issue and it is providing a training period, 45 days from publication of the airspace final rule, before these routes will be implemented.

Dragon Corridor (Black 1, Green 1, Green 2)

Several environmental organizations (Arizona Raft Adventures, Friends of Grand Canyon, Grand Canyon River Guides, Grand Canyon Trust, Maricopa Audubon Society, Nature Sounds Society, National Parks and Conservation Association, Quiet Skies Alliance, Sierra Club, The Wilderness Society) oppose the dog-leg in the Dragon Corridor and recommend that the Dragon Corridor be closed to all aviation traffic.

Twin Otter International recommends that the Dragon Corridor be converted within years to a quiet airplane flight corridor. Furthermore, this commenter suggests that the FAA define the operating characteristics an airplane must have in order for it to conduct round-trip air tours within the Dragon Corridor, and immediately permit such fixed-wing air tours in the Dragon Corridor as are currently permitted for helicopter tours.

FAA Response: The FAA is retaining the air tour routes through the Dragon Corridor as proposed and as depicted. The dog-leg contained in the Dragon Corridor route structure moves the route away from Hermit's Rest and significantly lessens the impact of aircraft noise on those visitors. The necessity for a total closing of the Dragon corridor was considered and rejected since the agencies do not believe it is necessary to achieve the statutory mandate.

The FAA is not considering the TOIL request to convert the Dragon Corridor to quiet aircraft at this time. The FAA and NPS have not yet defined the characteristics that qualify as quiet technology. Thus, any request to convert to quiet technology at this time is premature.

Sanup FFZ (Blue Direct North, Blue Direct South)

Clark County Department of Aviation says that the FAA's failure to provide sufficient explanation or support for its decision to drop any version of a Blue 1 route creates another dangerous precedent for western aviation. The FAA proposes to eliminate the most-used and highest-revenue tour route on the basis of concerns about possible impacts to Native American cultural or religious sites. However, the FAA does not identify with any

specificity what resources are affected by Blue 1, how they are affected or the applicable standard of impact. Without this information, Clark County notes that the public has no ability to assess whether FAA's decision is justified or arbitrary.

National Air Transportation Association objects to the elimination of a vital air tour route from Las Vegas, Nevada. Transferring this corridor to a less scenic "transportation corridor" severely restricts the air tour experience from Las Vegas.

Air Vegas states that with the elimination of the Blue 1 route there needs to be an extended "sightseeing" flight available to Las Vegas fixed wing operators in the western portion of the park. There is also no reverse air tour. Without some changes to the proposed route system there will not be a viable air tour system out of Las Vegas.

Twin Otter International, Ltd., (TOIL) suggests that the existing north rim fixed-wing air tour route and the existing Blue 1 (Las Vegas to Grand Canyon) be limited to quiet aircraft in 2 years.

FAA Response: The route map remains as originally set forth in the notice with respect to Blue Direct North and Blue Direct South.

The Blue 1 was severed by the southward extension of the **Toroweap-Thunder River FFZ**, which was adopted in the 1996 final rule. Since this section of the 1996 final rule has not been implemented yet, air tour operators have continued to operate on the Blue 1. The **FFZ** extension is due to be implemented on January 31, 2000. Thus, at that time, the Blue 1 would have to be modified in order to be used as a tour route.

In order for the FAA to meet the goal of substantial restoration of natural quiet, decisions had to be made as to how to reduce the current level of noise impacting on **GCNP**. The Blue 1 air tour route passed over some of the most sensitive backcountry habitat in the **GCNP** as well as raising significant controversy with some Native American tribes residing under or near the flight path for Blue 1. The FAA decided to keep the east and west end air tours, which would still allow operators transiting from Las Vegas to **Tusayan** a flight path that offered **GCNP** vistas while transiting to and from the Park.

TOIL's recommendation for a quiet technology route along the existing Blue 1 is premature given that a final rule implementing a quiet technology standard has not yet been adapted.

Grand Canyon West Vicinity (Blue 2, Green 4)

The Hualapai Nation (hereafter the Hualapai Tribe) states that the routes flown by transport flights have served as de facto Brown routes for the Hualapai Tribe comparable to the route proposed to serve the Havasupai Tribe. The Hualapai Tribe would like an officially designated Brown route created that would not be subject to caps, consistent with Congress' intent not to interfere with transportation flights to the Park or tribal lands. To ensure that the Hualapai Tribe's Brown route is used only by flights transporting persons to and from the Hualapai Reservation, the FAA could specify that all flights utilizing the route must have the permission of the Hualapai Tribe to land on the Hualapai Reservation.

FAA Response: The FAA has addressed the Hualapai Tribe's concerns in the final rule, Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area, also published in this Federal Register. Thus, there is no need to create a Brown route to service the Hualapai Reservation.

General Aviation

Aircraft Owners and Pilots Association(AOPA) recommends that the FAA identify and chart VFR waypoints and latitude

and longitude coordinates for the Dragon and Zuni Point corridors as both have difficult dog-leg course changes. AOPA's other comments, related to flight-free zones and corridors, are addressed in the final rule on airspace modification in GCNP published concurrently in this Federal Register.

FAA Response: The General Aviation commenters are reminded that the proposed route map only depicted the air tour routes and corridors and not the general aviation corridors. The general aviation corridors, when published as part of the official map, will contain the necessary latitude and longitude coordinates for navigation.

Environmental Review

The FAA has prepared a final supplemental environmental assessment and finding of no significant impact (FONSI) for this action to ensure conformance with the National Environmental Policy Act of 1969. Copies of the EA have been circulated to interested parties and placed in the docket, where it is available for review.

Issued in Washington, DC on

MAR 28 2000


Jane F. Garvey

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of the Final Supplemental
Environmental Assessment for the Proposed Actions relating
to the Grand Canyon National Park.

AGENCY: Federal Aviation Administration (FAA)

ACTION: Notice of availability.

SUMMARY : The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS) and the Hualapai Indian Tribe, announces the availability of the Final Supplemental Environmental Assessment (SEA) for the proposed Special Flight Rules in the vicinity of Grand Canyon National Park (GCNP) and Commercial Air Tour Routes.

The Final SEA (FSEA) was prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, and other applicable environmental laws, and regulations. The FSEA assesses the effects of proposed Federal actions under consideration by the FAA and the Department of the Interior (DOI). These actions are

pub. 4/14/00

vital for the FAA to assist the NPS in fulfilling its statutory mandate of the National Park Overflights Act, Public Law 100-91, to provide for the substantial restoration of natural quiet in the GCNP by 2008, as called for by Presidential Memorandum dated April 22, 1996, Earth Day Initiative, Parks for Tomorrow. The Undertaking includes those actions for which implementation has been delayed since December 1996, as well as those currently proposed by the FAA. The currently proposed actions include (1) modifying the Special Federal Aviation Regulation Number 50-2; (2) modifying the commercial air tour routes within the Special Flight Rules Area (SFRA); and, (3) limiting the commercial air tour operations.

DATES: There is no comment period associated with release of this document. However, any party to this proceeding, having a substantial interest may appeal the order to the Courts of Appeals of the United States or to the United States Court of Appeals for the District of Columbia upon petition, filed within 60 days of issuance of the Final Rules.

ADDRESSES: A copy of the Final SEA is being mailed to all those commenting, either in writing or orally at one of the public meetings and who provided a return address, on the Draft SEA (DSEA). A postcard will be mailed to those individuals that received a copy of the DSEA but did not

provide comments indicating how a copy of the FSEA can be obtained. Additional requests for copies of the FSEA should be directed to: Federal Aviation Administration, Air Traffic Airspace Management, Environmental Programs Division, Attention: Tina Hunter, ATA-300.1, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION PLEASE CONTACT: Questions concerning this Final SEA or the environmental process followed should be directed to the FAA, Air Traffic Airspace Management, Environmental Programs Division, ATA-300, Attention: Mr. William Marx, via telephone at (202) 267-3075, or in writing to the address above.

SUPPLEMENTARY INFORMATION:

The FAA and DOI considered the proposed actions to assist the NPS in achieving its congressional mandate to provide for the substantial restoration of natural quiet at GCNP. Based upon consultation with Federal, State and local agencies and Native American tribal representatives, and in response to public comment, the FAA made revisions to the DSEA and prepared the Final SEA. The FAA modified the Preferred Alternative to address socioeconomic concerns of the Hualapai Tribe and the Navajo Nation and concerns expressed by air tour operators and general aviation pilots. The major changes to the Preferred Alternative between the DSEA and Final SEA are as follows:

- (1) Commercial air tour operations that transit the SFRA along Blue-2 and Green-4, that operate under a written contract with the Hualapai Tribe, and that have an operations specification authorizing such flights will be excepted from the commercial air tour allocation requirement. The Hualapai Tribe indicated that the Operations Limitation as proposed in the June 1999 Notice of Proposed Rulemaking would significantly adversely impact the Tribe's economic development efforts. The modifications to the Preferred Alternative will avoid negative impacts to the socioeconomic activities of the Hualapai Indian Tribe;
- (2) A turnaround has been added in the Zuni Point Corridor in the vicinity of Gunthers Castle in response to comments from the commercial air tour industry that a turn-around in this corridor was necessary to provide the operators with a safe and economic alternative to the Saddle Mountain route;
- (3) The Desert View Flight Free Zone (FFZ) has been modified to extend eastward only to the GCNP boundary in response to safety concerns expressed by general aviation pilots and socioeconomic concerns expressed by the Cameron and Gap/Bodaway Chapters of the Navajo Nation. To allow protection for areas containing TCPs identified during Section 106 consultation, FAA left in place the proposed enlargement of the SFRA eastern

boundary and the relocation of commercial air tour routes known as Black-2 and Green-3;

- (4) The SFRA boundary has been modified on the southeast corner in response to comments from the general aviation community regarding the Sunny Military Operating Area, and the latitude and longitude dimensions within the proposed Final Rule have been corrected;
- (5) The description of the future Bright Angel Incentive Corridor has been corrected;
- (6) The Toroweap/Shinumo FFZ has been modified to exclude Hualapai reservation lands; and,
- (7) The wording in the document has been clarified based on public and agency comments.

The Final Rule for the Modification to the Airspace in the SFRA, the Final Rule for Limitations to Commercial Air Tours and the Notice of Route Availability (with the accompanying chart) are also being released concurrently with this Final SEA. A summary of the background information relative to the Undertaking is contained in each of these documents.

The Supplemental EA

The scoping process for this Supplemental EA consisted of a public comment period for those interested agencies and parties to submit written comments representing the concerns

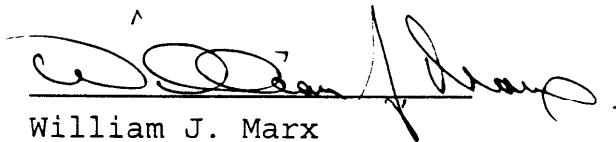
and issues they believed should be addressed. The FAA received a total of 20 written comments. The Draft SEA, published in June 1999 contained a summary of those comments in Appendix G. FAA and DOI held two public hearings during the comment period, the first in Flagstaff, Arizona on August 17, 1999 and the second in Las Vegas, Nevada on August 19, 1999. The FAA received a total of 51 comments on the Draft SEA (both written and verbal).

Information, data, opinions, and comments obtained throughout the process were used in preparing the FSEA. The purpose of this Notice is to inform Federal, State, local and government agencies, and the public of the availability of the Final SEA.

To maximize the opportunities for public participation in this environmental process, the FAA has mailed copies of the Final SEA, the two Final Rules, and the Notice of Route Availability and graphic to those individuals and agencies that commented on the Draft SEA. The graphic containing the proposed route changes and airspace modifications is not being published in today's Federal Register due to the detail on the charts.

MAR 28 2000

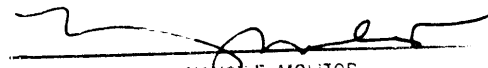
Issued in Washington, D.C. on _____.



William J. Marx

Manager, Environmental Programs Division
Office of Air Traffic Airspace Management

CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL



NANCY E. MOLITOR
CERTIFICATE CLERK



U.S. Department
of Transportation

FEDERAL AVIATION
ADMINISTRATION
Office of Aviation Policy and Plans

Washington, D C. 20591

**REGULATORY EVALUATION,
FINAL REGULATORY FLEXIBILITY ANALYSIS
AND INTERNATIONAL TRADE IMPACT ASSESSMENT**

**MODIFICATION OF THE DIMENSIONS OF
THE GRAND CANYON NATIONAL PARK
SPECIAL FLIGHT RULES AREA
AND
FLIGHT FREE ZONES**

**Final Rule
(14 CFR Part 93)**

OFFICE OF AVIATION POLICY AND PLANS
OPERATIONS REGULATORY ANALYSIS BRANCH, **APO-310**
NORMAN **R. ELROD**
NOVEMBER, 1999

Table of Contents

Executive Summary
1. Introduction
2. costs 10
3. Benefits	13
4. Final Regulatory Flexibility Determination	14
5. International Trade Impact Assessment	15
6. Unfunded Mandates Assessment15

Executive Summary

The FAA will amend the Special Flight Rules Area (SFRA) of Grand Canyon National Park (GCNP) by extending the eastern boundary of the SFRA five nautical miles to the east (except for a cutoff on the southeastern corner of the extended SFRA), and by introducing a flight corridor through the Bright Angel Flight-Free Zone (FFZ) for noise efficient/quiet technology aircraft. The FAA will also modify the Sanup FFZ to provide for an air tour route over the northwestern section of the GCNP and reopen the Fossil Canyon Corridor for general aviation (GA) operations. Modifications to the SFRA eastern boundaries address concerns raised by Native Americans and their representatives. Modification of the eastern portion of the SFRA will serve to control commercial air tour overflights over several Native American Traditional Cultural Properties identified in consultation with the affected tribes. Modification of the Bright Angel FFZ to provide a future incentive corridor parallel to the northern boundary of the current Bright Angel FFZ as defined in SFAR 50-2 will serve as a future inducement to current air tour operators to convert to quieter aircraft. This action is taken in response to comments received on related Grand Canyon rulemaking efforts. This action is related to and consistent with other rulemaking actions under consideration by the FAA concerning GCNP, and is consistent with the overall noise management plan for substantial restoration of natural quiet within GCNP as proffered by the FAA and the NPS.

The potential costs and benefits of the future incentive corridor through the Bright Angel FFZ cannot be estimated at this time. These costs and benefits will be estimated in a future regulatory evaluation for the rulemaking that defines noise efficient/quiet technology aircraft. With regard to the modifications for the eastern borders of the GCNP SFRA, the FAA believes that this is likely to have only a de minimus cost impact on

the small number of air tours conducted in that area of the Canyon. No cost is expected in reopening the Fossil Canyon Corridor. Nor is the modification to the Sanup FFZ likely to have any cost impact because no commercial air tours are conducted over this region of the park.

The primary benefit associated with this final rule is a reduction of circumnavigation costs for GA operators. The potential benefit of the incentive corridor through the Bright Angel FFZ cannot be estimated at this time. The potential benefit will be estimated in a future regulatory evaluation for the rulemaking that defines noise efficient/quiet technology aircraft.

Because of the continued high public interest surrounding GCNP regulation and the potential implications within a limited locality, the FAA has determined that this final rule constitutes a "significant regulatory action" based on the criteria outlined in Executive Order 12866. The FAA, however, does not find that this final rule will have a significant economic impact on a substantial number of small entities and does not warrant further regulatory flexibility action. This final rule, in accordance with OMB directives, will not have a significant effect on international trade. In addition, this rule will not impose an unfunded mandates burden.

1. Introduction

With this final rule, the FAA will amend Title 14 Code of Federal Regulations part 93, Subpart U, Special Flight Rules in the Vicinity of Grand Canyon National Park, AZ. Specifically, this action will 1) modify the eastern portion of the Special Flight Rules Area (SFRA) to address concerns raised by Native Americans and their representatives; 2) modify the Bright Angel Flight-Free Zone (FFZ) to provide a future corridor for noise efficient/quiet technology aircraft; 3) modify the Sanup FFZ to provide for a transportation route over the northwestern section of the GCNP; and 4) reopen the Fossil Canyon Corridor for general aviation (GA) operations to improve the flow of GA air traffic. The FAA is taking this action in response to comments received on related Grand Canyon rulemaking efforts.

Modification of the eastern portion of the SFRA will shift the eastern SFRA boundary five nautical miles to the east. This modification will serve to control commercial air tour overflights of several Native American Traditional Cultural Properties identified in consultation with the affected tribes. Modification of the Bright Angel FFZ will provide a future incentive corridor along the northern boundary of the current Bright Angel FFZ as defined in SFAR 50-2 that will be restricted for use by only noise efficient/quiet technology aircraft once a definition of such aircraft is adopted. The corridor will also serve as a future inducement to current air tour operators to convert to quieter aircraft. Modification of the Sanup FFZ to provide for a route over this area of the park will accommodate the new route system contained in the concurrent Notice of Route Availability. Reopening the Fossil Canyon Corridor will improve the flow of air traffic for GA operations.

Background

On December 31, 1996, the FAA published three concurrent actions in the Federal Register (61 FR 69301) as part of an overall strategy to reduce further the impact of aircraft noise on the Grand Canyon National Park (GCNP) environment and to assist the National Park Service (NPS) in achieving its statutory mandate imposed by Public Law 100-91 (PL 100-91). The three actions are as follows:

--Final Rule (61 FR 69302) amended 14 CFR part 93 of the Federal Aviation Regulations by adding a new subpart U to codify the provisions of SFAR No. 50-2. These provisions originally were to become effective on May 1, 1997.¹

--Notice of Proposed Rulemaking (61 FR 69334) proposed to establish noise limitations for certain aircraft operating in the vicinity of GCNP. The comment period closed on March 31, 1997.²

¹ The Final Rule--"Special Flight Rules in the Vicinity of Grand Canyon National Park" did the following: 1) modified the dimensions of GCNP SFRA; 2) established new and modified existing flight-free zones; 3) established new and modified existing flight corridors; 4) instituted a curfew (flight-free period) on the East end (Zuni Point and Dragon Corridors) of GCNP; 5) established reporting requirements for certificate holders conducting commercial sightseeing operations in the SFRA; and 6) imposed a temporary freeze on the number of air tour aircraft that could be used by certificate holders in the GCNP SFRA.

² The NPRM--"Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park", proposed to 1) provide incentives for the use of quieter aircraft within the GCNP; 2) establish additional noise limitations to reduce further the impact of aircraft noise on the park environment in GCNP; and 3) lift for the quietest aircraft the immediate temporary cap placed on the number of aircraft permitted to be used for commercial sightseeing operations in GCNP.

The proposed rulemaking distributed the current fleet of aircraft operating in GCNP into one of three categories based on each aircraft model's noise per passenger statistic or its "noise efficiency". Noise efficiencies ranged from Category A, "noisiest" to Category C, "quietest". The NPRM also introduced the following operating limitations and phase-out schedules depending on aircraft noise efficiency category:

Category A: Use of all Category A aircraft would end on or before Dec. 31, 2000, and no Category A aircraft may be added to an operator's fleet above what is determined on that operator's operations specifications as of Dec. 31, 1996;

Category B: Use of all Category B aircraft would end on or before Dec. 31, 2008, but Category B aircraft may be substituted for Category A aircraft on a one-for-one basis prior to Jan. 1, 2001;

Category C: Only Category C aircraft will be permitted to operated in the GCNP SFRA after Dec. 31, 2008; there is no restriction on the number of

--Notice of Availability (61 FR 69356) announced the availability of and requests for comment on unpublished proposed routes for GCNP. The 30-day comment period closed on January 31, 1997.³

On February 26, 1997, the FAA delayed the effective date of the expansion of the flight-free zones and minimum altitudes, as stated in 14 CFR §§ 93.301, 93.305, and 93.307, to January 31, 1998 (62 FR 8862). (The remaining sections of 61 FR 69302, however, were implemented on May 1, 1997). With the goal to produce the best routes possible, this delay served to permit continued discussions on, and possible changes to, proposed new routes and to permit further consultation with Native American Tribes. Subsequently, the FAA took action on December 17, 1997, to further delay the implementation of these three sections and further extend certain portions of SFAR 50-2 until January 31, 1999. (This date was recently extended to January 31, 2000.) Thus, although the East-end curfew reporting requirements and aircraft cap became effective on May 1, 1997, commercial air tour operators have, to date, been permitted to continue to conduct air tours over GCNP in accordance with the non-amended SFAR 50-2 airspace.

As previously noted, 14 CFR §93.317 required each certificate holder (effective May 1, 1997) to report to the FAA the following information for each commercial sightseeing flight conducted in the Grand Canyon SFRA: 1) routes flown; 2) departure airport, date and time; and 3) aircraft registration number. This information is required to be reported three times a year based on these reports. The FAA has developed a database based on these reports for commercial sightseeing flights for the time period May 1, 1997 through April 30, 1998, the first full year

Category C aircraft which may operate in the Canyon during the phase-cut of Category A and Category B aircraft.

³ These proposed routes would have established new routes or modified existing routes to accommodate airspace changes included in the final rule 61 FR 69302. These routes were designed in light of safety, noise mitigation, and economic considerations. The FAA received more than 100 comments from park users; industry associations; environmental groups; air tour operators; aircraft manufacturers; and Native American Tribes.

of operator reporting. This database forms the baseline period, for the following economic analysis.⁴

On May 15, 1997, the FAA published a Notice of Availability of Proposed Routes and a companion NPRM (Notice No. 97-6) that proposed two quiet technology corridors over the GCNP. The first corridor, through the Bright Angel FFZ, was planned for quiet technology aircraft use only. The second corridor, through National Canyon, would have been for quiet technology aircraft for westbound traffic after December 21, 2001. The FAA, in consultation with the NPS, has determined not to proceed with the proposals set forth in Notice No. 97-6. On July 15, 1998, the FAA withdrew Notice 97-6 (63 FR 38232).

To evaluate the cost impact of the rulemaking actions described in the 1996 final rule (61 FR 69302) and the 1996 NPRM (61 FR 69334), the FAA relied on and supplemented the information provided in the SFAR No. 50-2 Air Tour Route Usage Report, a field survey conducted in 1995 by the Las Vegas Flight Standards District Office (FSDO). The field survey provided detailed information for each operator with regard to the type of aircraft and the number of operations conducted along each VFR route within the GCNP SFRA. Cross referencing the Las Vegas FSDO field survey information with aircraft passenger seating capacities, as well as other information on air tours and tour charges, the FAA estimated the number of commercial air tour flights, passengers, and operating revenue for each type of tour conducted in GCNP, and incorporated it into the Regulatory Evaluation for the 1996 final rule.

Subsequent to the issuance of the 1996 Final Rule, the FAA obtained additional information suggesting that the number of commercial air tour

⁴ The economic evaluation contained in Notice No. 97-6 with regard to the Bright Angel Corridor for noise efficient aircraft was based on original data contained in 61 FR 69302; the Notice was withdrawn without revision.

aircraft conducting tours in GCNP identified in the 1995 Survey (and database) had not accounted for the full GCNP air tour fleet that likely operated in 1995. During May 1997, the FAA conducted a voluntary air tour operator survey and site visitation that provided detailed information on the number and type of aircraft engaged in GCNP air tours between July 31, 1996 and December 31, 1996. In July 1997, Agency personnel met on-site with each air tour operator to verify or correct the number of aircraft operating in GCNP during that time period, and to further reconcile the May 1997 survey the information contained in the 1995 Survey. Based on information obtained during these two site visits, the FAA reevaluated the economic analysis contained in the 1996 Final Rule, and revised upward its original air tour activity and revenue and cost estimates. The revised estimates were published on October 31, 1997, in the Federal Register as a "Notice of clarification; request for comments", (62 FR 58898).

Industry Profile

The Grand Canyon is the most active commercial air tour location in the United States, with GCNP commercial air tour operators offering both fixed-wing aircraft and helicopter tours of the Grand Canyon. Operators also offer an extensive and varied range of tour packages for each type of aircraft. Below is a description of the primary tours germane to this proposed rulemaking.

--Fixed-Wing Aircraft Tours:

- "Black 1, 1A": Originating at Grand Canyon airport, this non-stop tour follows the "Black 1" route North through the Zuni Point Corridor, turns West and South along "Black 1A" through the Dragon Corridor and terminates at Grand Canyon airport. Total tour time is about 50 minutes; tour cost is about \$70-\$75. A variation on this tour is to remain on the "Black 1" route which includes only the Zuni Point Corridor with tour time and cost reduced to about 35 minutes and \$55 respectively.

--Helicopter Tours:

- "Green 1, 1A & 2": Equivalent tour as "Black 1, 1A" fixed-wing aircraft tour; time and cost is approximately 50 minutes and \$150-\$160, respectively. A helicopter variation along the "Green 1" route similar to the "Black 1" fixed tour is also available with tour time and cost reduced to about 40 minutes and \$120, respectively.

Comments

The FAA considered all comments received during the comment period in formulating the final rule. In response to the NPRM, the FAA received the following economic comments:

Southwest Safaris comments that the canyons of the Little Colorado River are one of the sites emphasized on the chartered flights between Santa Fe, NM and the Grand Canyon, and between Monument Valley and the Grand Canyon. Part of the purpose of flying over the canyons of the Little Colorado River is to show their clients spectacular gorges without having to fly over the noise-sensitive Grand Canyon. Southwest Safaris comments that expanding the GCNP SFRA five miles to the east will include essentially all of the canyons of the Little Colorado River in the SFRA. The new routes proposed in the FAA's Notice of availability of routes are to the east of these canyons. By these actions, the FAA will be eliminating an important part of Southwest Safaris' air tour structure.

AirStar Helicopters says that the extension of the Desert View FFZ will have a negative economic impact on the Navajo Nation through loss of business and will add cost to operators with the additional miles being flown. A commenter from the film industry that works with the Navajo Nation and the Hualapai Tribe also suggested that the proposed modification to the Desert View FFZ would cause a negative economic impact on the Navajo Nation since expansion of the Desert View FFZ would

prohibit flights over the Navajo lands for the purpose of filmmaking. These flights provide economic benefit to the Navajo Tribe.

FAA Responses and Final Rule Action

The FAA is persuaded by commenters that the extension of the Desert View FFZ could have a negative economic impact on the Navajo Nation. In addition, the FAA agrees with AOPA that extending the Desert View FFZ could force general aviation traffic closer to the Sunny Military Operations Area (MOA) which could have safety implications, especially in inclement weather. To operate safely in the vicinity of a MOA, the general aviation operators should contact the appropriate flight service station to stay aware of actions in the MOA. The FAA also reminds GA visitors to GCNP that a provision for deviations into SFRA is provided in . § 93.305 for emergencies and other safety of flight situations.

In addition, the FAA, with agreement from NPS, finds it appropriate to reopen the Fossil Canyon Corridor to GA flights. In the December 1996 final rule, the FAA stated that it did not believe that the Fossil Canyon Corridor was heavily used for commercial air tour operations. Thus, it decided to close the Fossil Canyon Corridor to all air tour operations. However, when the final rule was adopted, the FAA inadvertently closed the corridor for all users. The FAA is now reopening this corridor for GA only. With these corridors, in addition to Zuni Point and Dragon corridors, GA visitors should have ample opportunity to enjoy the GCNP.

Therefore, in this final rule, the Desert View FFZ remains as defined in the 1996 final rule. The SFRA is modified as proposed except for a cutoff on the southeastern corner of the extended SFRA. The Fossil Canyon Corridor is reopened for GA operations. The FAA finds that this combination of actions in the final rule both protects the confluence of

the Little Colorado River. The Bright Angel FFZ will be modified to provide a future incentive corridor, one mile in width, for use by noise efficient/quiet technology aircraft after a definition of such aircraft is adopted and implemented. The FAA will also modify the Sanup FFZ to accommodate another FAA action contained in the current Notice of Route Availability.

This rule and the companion Notice of Availability shifts the eastward boundary of the SFRA 5 miles to the east and moves the Black 2 and the Green 3 out away from the confluence of the Little Colorado and out over the desert. The FAA recognizes that this portion of these routes is no longer an air tour. These route sections are intended partly as weather escape routes for operators seeking to avoid weather over Saddle mountain area. Southwest safaris comments that these combined changes greatly impact it because 1) it was conducting air tours in the area of the confluence of the Little Colorado and did not have to report these tours because they were outside the SFRA; and 2) with the airspace modification and the route changes, it no longer can conduct air tours over the confluence and the routes provided are not suitable for air tours.

The FAA is not aware of any other operator conducting air tours in the area affected by the eastward shift. Despite numerous requests, the FAA has not received any specific data from Southwest Safaris to document the number of air tours conducted during May 1, 1997-April 30, 1998. Thus it is difficult to calculate the specific impact of the eastward shift and route change on that operator. However, the FAA recognizes that Southwest Safaris may not be able to sell the Black 2 as part of any air tour. Therefore, Southwest Safaris may experience a cost impact due to the SFRA shift and the route change. However, the FAA believes that any such impact would be minimal given that the confluence of the Little

Colorado was but one part of a tour that Southwest Safaris conducted during the baseline period.

Southwest Safaris typically conducts air tours out of Santa Fe, New Mexico. Southwest Safari's concern that the Black 2 is not a good weather route, because of the concern that an operator would have to refund money in the event it was necessary to use this route, is minimized by the fact that the Zuni Point Corridor has been made a two-way corridor for both fixed wing and helicopter operators. Initially in the Notice of Availability of Routes, the Zuni Point Corridor was shown as a one way corridor for fixed wing operators. To provide fixed-wing operators with more options in the event of weather and to enable these operators to be competitive with other operators in the Dragon corridor, the FAA has included a turn-around in the Zuni Point Corridor. The Black 2 and Green 3 routes will remain as originally proposed.

The Final Rule

The current design of the eastern portion of the SFRA allows entry and exit as well as travel over several Traditional Cultural Properties on the eastern side of the Grand Canyon National Park, causing concerns to several Native American tribes. These sites were identified through consultation with affected tribes in accordance with the National Historic Preservation Act (NHPA) and the American Indian Religious Freedom Act. Specific locations of Traditional Cultural Properties are not identified in the documentation of this rulemaking in accordance with sec. 304 of the NHPA because of confidentiality. The impacts of air tours over these Traditional Cultural Properties will be reduced or avoided by modifying the eastern portion of the SFRA and adjusting the entry and exit points of the air tour routes accordingly through route redesign.

The Bright Angel corridor is set aside as a future incentive to air tour operators to encourage investment in quiet technology. This corridor will pass through the Bright Angel FFZ parallel to the northern boundary (Black 1A route) of the current Bright Angel FFZ as defined in SFAR 50-2. Once utilized, this corridor will have a three-fold benefit. First, fewer aircraft will be flying over the northern rim of the canyon along Saddle Mountain, where the NPS has pointed out some noise sensitivity. Second, noise from the air tour aircraft will be dispersed between the northern boundary of the Bright Angel Flight-free Zone and the corridor, thereby reducing the level of concentrated aircraft noise along any one route. Third, opening this corridor only to the most noise efficient/quiet technology aircraft will provide an incentive for the air tour operators to convert to quieter aircraft.

The Sanup FFZ will be altered to accommodate the new route system contained in the concurrent Notice of Route Availability. The Fossil Canyon Corridor will assist the general aviation in transitioning along the GCNP SFRA.

2. Costs

The costs associated with the reconfiguration of the Desert View and Bright Angel Flight-free Zones as published 14 CFR §93.305, were accounted for in the December 31, 1996 final rule (61 FR 69302). This final rule therefore, is concerned only with the costs associated with the modifications to the reconfigurations.

Special Flight Rules Area

The SFAR 50-2 Black 2 and Black 3 routes currently used are the only air tour routes that will be affected by the concomitant eastward shifts of

the SFRA. The Black 2 route extends mostly over plateau, not the Canyon, and is utilized as an access route to the Black 1 tour route over the Canyon. The Black 2 route is not a prominent feature of any air tour. Information provided for the base year indicates that only one operator utilized the Black 2 route to conduct air tours of the Grand Canyon. During the 1997-1998 base year period, this operator conducted about 540 air tours, most of which originated from the Phoenix/Scottsdale area.⁵ These tours typically include significant other features not within the SFRA such as Sedona and the San Francisco Peaks en route to the Grand Canyon. Upon merging with the Black 1 route from the Black 2 route, these tours typically split west at Imperial Point to the Black 1A route along the North Rim and then through the Dragon Corridor to complete the "Black 1, 1A" tour. Sometimes tours transition to the Black 4 route, and possibly the Black 4X route, en route to Monument Valley or Page, AZ. Thus, the Black 2 serves primarily as a link to the Grand Canyon portion of a much broader tour.

Similarly, the Black 3 route is more of an access route within the SFRA to the more scenic Black 1 air tour route. Operators accessing the Grand Canyon via the Black 3 route, however, split south at Imperial Point and remain on the Black 1 route through the Zuni Point Corridor. During the base year period, three operators, including the one noted above, conducted 577 air tours using the Black 3 route. The combined estimated gross operating revenue of these three operators for tours which used the Black 3 route was about \$825,000; net operating revenue adjusted for variable operating costs was \$496,000.

The FAA believes that a shift in the Black 2 route eastward resulting from the eastward shift in the SFRA by five nautical miles will serve

⁵ About \$640,000 in gross operating revenue was generated by these air tours; about \$330,000 net operating revenue when adjusted for variable operating costs.

only to realign the access/approach to the Black 1 tour route. It will not alter the tour offerings of the individual operator discussed above, and any changes in the operator's variable operating costs resulting from adding five nautical miles to the overall air tour (about 2-3 minutes) are negligible. Similarly, the FAA believes there will be no impact on the three operators entering the SFRA on the Black 3 route to conduct air tours of the Canyon. The eastward extension of the SFRA by five nautical miles will not necessarily add distance and time to the tours using the Black 3, but rather, it will tend to substitute distance and time in controlled airspace for distance and time in unrestricted airspace. Therefore, the FAA concludes that the costs for this part of the final rule are de minimus. However, as discussed in the comments section, Southwest Safaris may experience a cost impact due to the SFRA shift and the route change. The FAA can not assess the specific impact of the shift because it has not received data from Southwest Safaris to document the number of air tours conducted during May 1, 1997-April 30, 1998.

Bright Angel Flight-free Zone:

The FAA will reinstate the Bright Angel corridor for future use by quiet technology aircraft. Readers must understand that until a standard for quiet technology aircraft is developed and adopted, this corridor will not be available for use.

This final rule will re-open a flight corridor (incentive corridor) parallel to the routes that are currently depicted on the Grand Canyon VFR Aeronautical Chart as the Green 1A and Black 1A, or Alpha routes. This corridor will be available in the future only to noise efficient/quiet technology aircraft. Currently, the FAA and the NPS have not defined a noise efficient/quiet technology aircraft. Consequently, the route will not be available for immediate use.

Sanup Flight-free Zone:

The Sanup FFZ will be modified to accommodate the new route system contained in the concurrent Notice of Route Availability. No estimated costs are associated with this alternative.

Fossil Canyon Corridor:

No estimated costs are associated with reopening the Fossil Canyon Corridor.

Cost Summary

The FAA estimates that any costs associated with the SFRA expansion five nautical miles to the east will be de minimus, except possibly in the case of Southwest Safaris. Also, the FAA determines that the modification to the Sanup FFZ, the reopening of the Fossil Canyon Corridor, and the establishment of the Rivers Corridor will result in no additional costs. The potential cost of the incentive corridor through the Bright Angel FFZ cannot be estimated at this time. The potential cost will be estimated in a future regulatory evaluation for the rulemaking that defines noise efficient/quiet technology aircraft.

3. Benefits

The primary benefit associated with this final rule is a reduction of circumnavigation costs for GA operators. The potential benefit of the incentive corridor through the Bright Angel FFZ cannot be estimated at this time. The potential benefit will be estimated in a future

regulatory evaluation for the rulemaking that defines noise efficient/quiet technology aircraft.

The reopening of the Fossil Canyon Corridor will reduce circumnavigation costs for GA operators. The expansion of the eastern boundary of the SFRA addresses certain concerns of the Native Americans in that area while at the same time posing no perceived additional costs on operators.

Benefits associated with the modification to the Sanup FFZ cannot be quantified without additional information regarding the air tour route alternative.

5. Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation." To achieve that principal, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act. However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and an RFA is not required. The certification

must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This final rule will only have a de minimus cost impact on the certificate holders for whom cost have been estimated. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule will not have a significant economic impact on a substantial number of small entities.

6. International Trade Impact Assessment

The FAA has determined that the final rule will have no effect on non-U.S. operators of foreign aircraft operating outside the United States nor will it have an effect on U.S. trade or trade relations.

7. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104-4 on March 22, 1995, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure of \$100 million or more (when adjusted annually for inflation) in any one year by State, local, and tribal governments in the aggregate, or by the private sector. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed "significant intergovernmental mandate." A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that would impose an enforceable duty upon State, local, and tribal governments in the aggregate of \$100 million (adjusted

annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that, before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan, which, among other things, must provide for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity for these small governments to provide input in the development of regulatory proposals.

This final rule does not contain any Federal intergovernmental or private sector mandates. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.